

No. 4941-4Lab-75/16333.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s The Steel, and General Mill Company Ltd., Sonapat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,

HARYANA, ROHTAK

Reference No. 7 of 1975

between

SHRI DEVI SINGH AND THE MANAGEMENT OF M/S THE STEEL AND GENERAL  
MILL COMPANY LTD., SONEPAT.

Present:

Shri Surinder Kaushal, for the management.

Nemo, for the workman.

#### AWARD

Shri Devi Singh, workman concerned was in the service of M/s The Steel and General Mill Company Ltd., Sonapat. The following dispute between him and the management was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Dispute Act, 1947, —vide order No. ID/RK/39-B-74/10036-40, dated 6th February, 1975:—

Whether the termination of services of Shri Devi Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference usual notices were given to the parties. The workman concerned has elected not to appear in person or through authorised representative to pursue his claim. The management, on the other hand, has pleaded that, as a matter of fact, it is a case of self abandonment of service by the workman who had absented himself from duty without proper authorisation for more than 7 days consecutively and was deemed to have left service as per the Standing Orders of the Company. Shri Surinder Kaushal authorised representative of the management has come into the witness-box and sworn testimony to the genuineness of the above plea raised in the written statement. He has also placed on record an extract of the relevant clause 5(G) of the Certified Standing Orders of the Company Ex-M.1. He has also referred to the demand notice, dated August 5, 1974 which was submitted by the workman after about 2 months of his name having been struck off the rolls.

So, taking into consideration the facts discussed above, I am quite clear in my mind that it is a case of self abandonment of service by the workman concerned who had absented himself from duty without any proper leave or authorisation from 26th April, 1974 onwards and that being so he was deemed to have left service of the Company without notice as per clause 5(G) of the Certified Standing Orders by which he was governed. The relevant clause may usefully be re-produced as under.

“A workman who absents himself without leave for 7 days consecutive days or more shall be deemed to have left this service of the Company without notice?”

In the circumstances, the question of the termination of the services of this workman by the management or its justification does not arise. He having left service of his own accord is not entitled to any relief by way of reinstatement or payment of back dues. The award is made accordingly. But there shall be no order as to costs.

Dated 15th May, 1975.

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1196, dated 15th May, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.